

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3119]

IN THE MATTER OF NEW YORK PATTERN COMPANY, INC., FASHION INSTITUTE, INC., AND JOHN HOWIE WRIGHT

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 27, 1938, at nine o'clock in the forenoon of that day (eastern standard time) in Room 900, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1435; Filed, May 20, 1938; 10:03 a. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 9th day of May, A. D. 1938.

The matter of modifying the Classification of Income, Profit and Loss, and General Balance Sheet Accounts being under consideration:

It is ordered, That account 756, "Receiver's certificates," and the text thereto be and they are hereby cancelled and the following account and text be, and they are hereby, prescribed in substitution thereof:

756. Receivers' and Trustees' Securities.—When receivers or trustees acting under the orders of a court are in possession of the property of the company and under the order of such court issue evidences of indebtedness, or assume the payment of equipment trust certificates, the par value of such evidences and certificates shall be credited to this account.

It is further ordered, That this order shall become effective on June 1, 1938.

By the Commission, division 4.

[SEAL]

W. P. BARTEL, *Secretary*.

[F. R. Doc. 38-1437; Filed, May 20, 1938; 12:12 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1938.

[File No. 32-91]

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on May 26, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 25, 1938.

The matter concerned herewith is in regard to an application by New York State Electric & Gas Corporation, a subsidiary of NY PA NJ Utilities Company, a registered holding company, pursuant to Section 6 (b) for exemption from the provisions of Section 6 (a) of the issue and sale to the Rural Electrification Administration of its \$250,000 2.88% note to mature serially, the first instalment being payable one year from the date of issue and the remaining instalments semi-annually thereafter. The note is to be secured by \$336,000 of its First Mortgage 4% Bonds dated August 1, 1935 and maturing August 1, 1965. The issue and sale of the note and the issue of the bonds were approved by the Public Service Commission of the State of New York by its order of May 10, 1938. It is stated that the proceeds from the issue and sale of the note will be used solely and exclusively for construction of rural electric line extensions.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 32-1438; Filed, May 20, 1938; 12:36 p. m.]

Tuesday, May 24, 1938

No. 101

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4804]

INTERNAL REVENUE TAXES—SMUGGLED LIQUOR

COLLECTION OF INTERNAL REVENUE TAXES ACCRUING ON SPIRITS SMUGGLED OR CLANDESTINELY INTRODUCED INTO THE UNITED STATES

To Collectors of Customs, Collectors of Internal Revenue, and Others Concerned:

Pursuant to section 5 of the Liquor Enforcement Act of 1936 (U. S. C., Sup. III, title 27, sec. 225) there are hereby imposed upon the collectors of internal revenue the right, privilege, power and duty now imposed upon collectors of customs by section 600 (a) (5) of the Revenue Act of 1918, as amended (U. S. C., title 26, sec. 1150 (f)), of collecting and

depositing internal revenue taxes accruing on distilled spirits smuggled or clandestinely introduced into the United States.

[SEAL]

ROSWELL MAGILL,
Acting Secretary of the Treasury.

Approved, May 19, 1938.

[F. R. Doc. 38-1448; Filed, May 23, 1938; 12:27 p. m.]

WAR DEPARTMENT.

REGULATIONS GOVERNING THE USE, ADMINISTRATION AND NAVIGATION OF ROCHESTER (CHARLOTTE) HARBOR, NEW YORK

THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

(Here follows, in the original document, an excerpt from Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266), which may be found at 3 F. R. 933.)

THE REGULATIONS

In pursuance of the foregoing law, the following regulations are hereby prescribed to govern the use, administration and navigation of Rochester (Charlotte) Harbor, New York.

1. No vessel shall exceed a speed of 6 miles per hour in Rochester (Charlotte) Harbor, New York.

2. No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

3. No vessel shall moor or anchor to any structure of the United States without the consent of the District Engineer, U. S. Army, in charge of the locality, or his authorized agent.

4. No vessel shall moor or anchor in or along any improved channel or basin in such manner as to interfere with improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel is so moored or anchored, the owner thereof shall cause said vessel to be moved upon notification from and within the time specified by said District Engineer.

5. These regulations shall take effect and be in force on and after the date of approval hereof and shall supersede the regulations prescribed December 11, 1902 (E. D. 44877/2).

Approved, May 5, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

[F. R. Doc. 38-1441; Filed, May 21, 1938; 9:40 a. m.]

REGULATIONS GOVERNING THE USE, ADMINISTRATION, AND NAVIGATION OF HURON, LORAIN, CLEVELAND, FAIRPORT, ASHTABULA AND CONNEAUT HARBORS, OHIO

THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

(Here follows, in the original document, an excerpt from Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266), which may be found at 3 F. R. 933.)

THE REGULATIONS

In pursuance of the foregoing law, the following regulations are hereby prescribed to govern the use, administration and navigation of Huron, Lorain, Cleveland, Fairport, Ashtabula and Conneaut Harbors, Ohio.

1. No vessel shall exceed a speed of 6 miles per hour, except in the outer harbors where the maximum speed shall be 10 miles per hour.

2. No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

3. No vessel shall moor or anchor to any structure of the United States without the consent of the District Engineer, U. S. Army, in charge of the locality, or his authorized agent.

4. No vessel shall moor or anchor in or along any improved channel or basin in such manner as to interfere with improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel is so moored or anchored, the owner thereof shall cause said vessel to be moved upon notification from and within the time specified by said District Engineer.

5. These regulations shall take effect and be in force on and after the date of approval hereof and shall supersede the regulations prescribed for these harbors June 10, 1903, and amended January 27, 1911 (E. D. 47291/2).

Approved, May 5, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

[F. R. Doc. 38-1442; Filed, May 21, 1938; 9:40 a. m.]

REGULATIONS GOVERNING THE USE, ADMINISTRATION, AND NAVIGATION OF BUFFALO HARBOR, NEW YORK.

THE LAW

Section 7 of the River and Harbor Act of August 8, 1917, provides as follows:

(Here follows, in the original document, an excerpt from Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266), which may be found at 3 F. R. 933.)

THE REGULATIONS

In pursuance of the foregoing law, the following regulations are hereby prescribed to govern the use, administration and navigation of Buffalo Harbor, New York.

1. No vessel shall exceed a speed of 6 miles per hour except in the outer harbor where the maximum speed shall be 10 miles per hour.

2. No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

3. No vessel shall moor or anchor to any structure of the United States without the consent of the District Engineer, U. S. Army, in charge of the locality, or his authorized agent.

4. No vessel shall moor or anchor in or along any improved channel or basin in such manner as to interfere with improvement or maintenance operations therein. Whenever in the opinion of the District Engineer any vessel is so moored or anchored, the owner thereof shall cause said vessel to be moved upon notification from and within the time specified by said District Engineer.

5. These regulations shall take effect and be in force on and after the date of approval hereof and shall supersede the regulations prescribed December 11, 1902 (E. D. 44871/1).

Approved, May 5, 1938.

[SEAL]

HARRY H. WOODRING,
Secretary of War.

[F. R. Doc. 38-1443; Filed, May 21, 1938; 9:40 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL BOISE PROJECT, IDAHO

SEPTEMBER 3, 1937.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat., 1976) it is recommended that Departmental order of April 8, 1935 establishing Grazing District No. 1, Idaho, under and pursuant to the provisions of the Act of June 28, 1934 (48 Stat., 1269), be revoked in so far as the following described lands are affected, and said lands

be withdrawn from public entry under the first form withdrawal, as provided in Sec. 3, Act of June 17, 1902 (32 Stat., 388).

BOISE PROJECT, IDAHO
Boise Meridian

T. 19 N., R. 1 E.,	T. 14 N., R. 3 E.—Continued.
Sec. 5, all;	Sec. 4, all;
Sec. 6, all;	Sec. 5, all;
Sec. 7, all;	Sec. 6, all;
Sec. 8, all;	Sec. 7, all;
Sec. 17, all;	Sec. 8, all;
Sec. 18, all;	Sec. 9, all;
Sec. 19, all;	Sec. 10, all;
Sec. 20, all;	Sec. 11, all;
Sec. 29, all;	Sec. 12, all;
Sec. 30, all;	Sec. 13, all;
Sec. 31, all;	Sec. 14, all;
Sec. 32, all;	Sec. 15, all;
T. 7 N., R. 2 E.,	Sec. 16, all;
Sec. 1, all;	Sec. 17, all;
Sec. 2, all;	Sec. 18, all;
Sec. 3, all;	Sec. 20, all;
Sec. 10, all;	Sec. 21, all;
Sec. 11, all;	Sec. 22, all;
Sec. 12, all;	Sec. 23, all;
Sec. 13, all;	Sec. 24, all;
Sec. 14, all;	Sec. 25, all;
Sec. 15, all;	Sec. 26, all;
Sec. 22, all;	Sec. 27, all;
Sec. 23, all;	Sec. 28, all;
Sec. 24, all;	Sec. 33, all;
Sec. 25, all;	Sec. 34, all;
Sec. 26, all;	Sec. 35, all;
Sec. 27, all;	Sec. 36, all;
Sec. 34, all;	T. 15 N., R. 3 E.,
Sec. 35, all;	Sec. 1, all;
Sec. 36, all;	Sec. 2, all;
T. 8 N., R. 2 E.,	Sec. 3, all;
Sec. 23, all;	Sec. 4, all;
Sec. 24, all;	Sec. 5, all;
Sec. 25, all;	Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$
Sec. 26, all;	NE $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 34, all;	Sec. 8, all;
Sec. 35, all;	Sec. 9, all;
T. 8 N., R. 3 E.,	Sec. 10, all;
Sec. 4, all;	Sec. 11, all;
Sec. 5, all;	Sec. 12, all;
Sec. 6, all;	Sec. 13, all;
Sec. 7, all;	Sec. 14, all;
Sec. 8, all;	Sec. 15, all;
Sec. 17, all;	Sec. 16, all;
Sec. 18, all;	Sec. 17, all;
Sec. 19, all;	Sec. 18, E $\frac{1}{2}$ and SE $\frac{1}{4}$
T. 9 N., R. 3 E.,	SW $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$;	Sec. 19, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$
Sec. 24, all;	and SW $\frac{1}{4}$;
Sec. 25, S $\frac{1}{2}$;	Sec. 20, all;
Sec. 26, S $\frac{1}{2}$;	Sec. 21, all;
Sec. 27, E $\frac{1}{2}$ & SW $\frac{1}{4}$;	Sec. 22, all;
T. 10 N., R. 3 E.,	Sec. 23, all;
Sec. 1, all;	Sec. 24, all;
Sec. 2, all;	Sec. 25, all;
Sec. 12, all;	Sec. 26, all;
T. 11 N., R. 3 E.,	Sec. 27, all;
Sec. 2, all;	Sec. 28, all;
Sec. 3, all;	Sec. 29, all;
Sec. 10, all;	Sec. 30, all;
Sec. 11, all;	Sec. 31, all;
Sec. 14, all;	Sec. 32, all;
Sec. 15, all;	Sec. 33, all;
Sec. 22, all;	Sec. 34, all;
Sec. 23, all;	Sec. 35, all;
Sec. 24, all;	Sec. 36, all;
Sec. 25, all;	T. 16 N., R. 3 E.,
Sec. 26, all;	Sec. 7, all;
Sec. 27, all;	Sec. 8, all;
Sec. 35, all;	Sec. 9, all;
Sec. 36, all;	Sec. 16, all;
T. 13 N., R. 3 E.,	Sec. 17, all;
Sec. 1, all;	Sec. 18, all;
Sec. 2, all;	Sec. 19, all;
Sec. 3, all;	Sec. 20, all;
Sec. 10, all;	Sec. 21, all;
Sec. 11, all;	Sec. 25, all;
Sec. 12, all;	Sec. 26, all;
Sec. 13, all;	Sec. 27, all;
Sec. 14, all;	Sec. 28, all;
Sec. 24, all;	Sec. 29, all;
Sec. 36, all;	Sec. 30, all;
T. 14 N., R. 3 E.,	Sec. 31, all;
Sec. 1, all;	Sec. 32, all;
Sec. 2, all;	Sec. 33, all;
Sec. 3, all;	Sec. 34, all;

T. 16 N., R. 3 E.—Continued.

Sec. 35, all;
Sec. 36, all;
T. 8 N., R. 4 E.,
Sec. 2, all;
Sec. 3, all;
Sec. 10, all;
Sec. 11, N $\frac{1}{2}$;
T. 9 N., R. 4 E.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, N $\frac{1}{2}$;
Sec. 21, E $\frac{1}{2}$;
Sec. 22, all;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, E $\frac{1}{2}$;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all;
T. 10 N., R. 4 E.,
Sec. 13, all;
Sec. 14, E $\frac{1}{2}$;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 31, E $\frac{1}{2}$;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
Sec. 35, all;
T. 11 N., R. 4 E.,
Sec. 19, all;
Sec. 20, all;
T. 12 N., R. 4 E.,
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
T. 13 N., R. 4 E.,
Sec. 3, all;
Sec. 4, all;
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 15, all;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;

Respectfully,

I concur April 20, 1938,

F. R. CARPENTER,
Director, Division of Grazing.

T. 13 N., R. 4 E.—Continued.

Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
T. 14 N., R. 4 E.,
Sec. 6, all;
Sec. 7, all;
Sec. 18, all;
Sec. 19, all;
Sec. 29, all;
Sec. 30, all;
Sec. 31, all;
Sec. 32, all;
T. 15 N., R. 4 E.,
Sec. 6, all;
Sec. 7, all;
Sec. 18, all;
Sec. 19, all;
Sec. 30, all;
Sec. 31, all;
T. 16 N., R. 4 E.,
Sec. 30, all;
Sec. 31, all;
T. 16 N., R. 1 W.,
Sec. 3, all;
Sec. 4, all;
Sec. 9, all;
Sec. 10, all;
Sec. 15, all;
Sec. 16, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all;
Sec. 27, all;
Sec. 28, all;
Sec. 29, all;
Sec. 32, all;
Sec. 33, all;
Sec. 34, all;
T. 19 N., R. 1 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all;
Sec. 13, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 35, all;
Sec. 36, all;
T. 12 N., R. 5 W.,
Sec. 1, all;
Sec. 2, all;
Sec. 3, all;
Sec. 11, all;
Sec. 12, all;
T. 13 N., R. 5 W.,
Sec. 9, all;
Sec. 10, all;
Sec. 11, all;
Sec. 14, all;
Sec. 15, all;
Sec. 16, all;
Sec. 21, all;
Sec. 22, all;
Sec. 23, all;
Sec. 26, all;
Sec. 27, all;
Sec. 28, all;
Sec. 34, all;
Sec. 35, all;
Sec. 36, all;

R. B. WILLIAMS,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
April 26, 1938.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 38-1447; Filed, May 23, 1938; 9:54 a. m.]

Office of Indian Affairs.

AMENDMENT OF RIGHT OF WAY REGULATIONS

APRIL 7, 1938.

The regulations of the Department of the Interior concerning rights of way over Indian lands, approved May 22, 1928, are hereby amended as follows:

Change Sections 30 to 39, inclusive, to read:

30. Applications for oil or gas pipe-line rights of way and pumping station or tank sites, should be made to the Secretary of the Interior under the Act of March 11, 1904, as amended by that of March 2, 1917 (33 Stat. L., 65; 39 Stat. L., 973; 25 U. S. C., 321).

31. The Superintendent is hereby authorized, in his discretion, to grant temporary permission for the construction of oil or gas pipe lines, provided the applicant has deposited with him twice the amount of the estimated damages and files a written agreement to comply promptly with the applicable laws and regulations. A copy of each such permit should be promptly forwarded to the Commissioner of Indian Affairs, to be filed with the record in the case. Deposits made hereunder shall be carried as "Special Deposits" until the receipt of instructions as to disposal.

32. The size of the proposed pipe line must be shown in the application; on the map; and in the engineer's affidavit and the president's certificate (Forms 3 and 4). The application and map should also specify whether the pipe is welded, screw-joint, dresser, or other type of coupling.

33. Where additional right of way is desired for pumping stations or tank sites, application therefor should be made in like manner, accompanied by maps showing the right of way, with connecting line to the main pipe line. Application for such additional right of way may be either submitted separately or incorporated in that for the main line, and, in addition to the other papers specified by these regulations, it must be accompanied by a properly executed stipulation, embodying the following provisions:

(a) To lay all connecting pipes at a sufficient depth below the surface as not to interfere with the cultivation of the land. Upon abandonment of the premises to level all dikes, fireguards, and excavations and to remove all concrete masonry foundations, bases, and structural works so that the ground will be as nearly as practicable in the same condition as before its use for the pump station or tank site.

(b) The use of the surface for such purposes shall not interfere with the allottee's right to remove any oil or gas deposits, and the pump station or tank site grant shall always be subservient to an oil or gas lease on the land.

(c) The structures shall be erected in accordance with regulations prescribed by the Secretary of the Interior, and subject to inspection and approval by his representative after completion.

34. Damages shall be assessed in each case so as fully to compensate the Indians, and schedules submitted to the Secretary of the Interior for approval in accordance with Sections 71-84 hereof. When any subsequent damage is done by reason of the bursting of a pipe or tank or by the entry of the pipe-line or tank owner or any of his employees upon the land, they shall be assessed and paid in like man-

ner. Prior to approval of the right of way, the applicant must submit a written agreement to pay any such latter damages within ten days after demand therefor, upon penalty of forfeiture of the grant.

35. All pipe lines shall be buried a sufficient depth under the surface as not to interfere with the cultivation of the land above, and at the risk of the company. Should it be desired at any time to lay additional lines of pipe in the same trench, or to replace the original line by larger or smaller pipe, permission therefor must be first obtained from the Secretary of the Interior and payment made of any damages sustained by the Indian owners, in the same manner as for the original line. Any right of way granted hereunder is subject to the right of the full use and enjoyment of the premises by the tribe, allottee, or occupant, except as otherwise provided by law or these regulations.

36. Any applicant obtaining a right of way for an oil or gas pipe line hereunder does so with the understanding that he waives all claims for damages of whatever nature to any of the pipes or lines arising from the cultivation of the surface in the usual manner.

37. Where a pipe or pipe line is laid under a traveled road or highway, its construction shall be in compliance with the applicable State laws; during the work at least one-half the width of the road must be kept open to travel; and, upon completion, the highway shall be restored to its original condition, any excavation to be refilled whenever, by settling or other causes, the necessity therefor may arise.

38. Whenever any such pipe crosses a ravine, canyon, or waterway, it may be laid either below the bed thereof or upon such a superstructure as will not interfere with the use of the surface.

39. Where any pipe line constructed hereunder is not subject to State taxation, the company shall pay to the Secretary of the Interior, for the use and benefit of the Indians, an annual tax, not exceeding \$5.00 for each ten miles of line, under such rules and regulations as he may prescribe. But nothing herein contained shall be so construed as to exempt the owner of such a line from the payment of any tax lawfully imposed upon him by either State or municipal authority, nor to deny to any incorporated city or town into or through which the line may extend, the right to regulate the manner of construction.

Add three new sections—

39¼. In accordance with the Acts cited, lateral lines connecting with oil or gas wells on individual allotments may be constructed without securing authority from the Secretary of the Interior, when the consent of the Indian owners has been obtained and satisfactory evidence thereof filed with the Superintendent. Such lateral lines may be of any diameter or length, but must be limited to those used solely for the transportation of oil or gas from a single restricted allotment to another lateral or to a branch of the main line. The owner of the line may either independently undertake to obtain the consent of the Indian owners or negotiate therefor through the Superintendent, as preferred. The consent of the allottee for the construction of a lateral must be executed in triplicate, with a blue print copy of map showing the line attached; and should be specifically limited to twenty years. The original should be given to the company and the duplicate to the allottee, and the triplicate filed at the agency.

39½. The Acts cited in Section 30 limit oil and gas pipe line rights of way thereunder to a period of not to exceed twenty years, with the proviso that the Secretary of the Interior may grant an extension for a like term. If such an extension is desired for either a main line or a lateral, application therefor, accompanied by the necessary maps, etc., should be filed at the local agency at least sixty days before the original grant expires. The Superintendent will assess and collect adequate damages, which should not be less than 25¢ per rod, and forward a schedule thereof to the Commissioner of Indian Affairs, with the application, the consent of the allottees, and his recommendation in the premises. The Superintendent should keep a record of expirations, in

order to see that applications for desired extensions are submitted within the 60-day period.

39¾. The books and records of pipe-line operators shall be open to the inspection of the Secretary of the Interior, or his duly accredited representatives at all reasonable times, in order to obtain information which pertains in any way to oil produced or run from lands under the jurisdiction of the Secretary of the Interior.

Change Section 43 to read—

43. Applications covering power projects affecting allotted Indian lands should be addressed to the Secretary of the Interior and filed in the local land office under the Act of February 15, 1901 (31 Stat., 790; 43 U. S. C., 959), or that of March 4, 1911 (36 Stat., 1253; 43 U. S. C., 961), and handled administratively as in the case of telephone and telegraph lines (See Sections 41 and 42 hereof).

43¼. Those projects which affect tribal Indian lands should be handled in the same manner except where the power is generated by hydroplants, for which a separate application must be filed with the Federal Power Commission under the Act of June 10, 1920 (41 Stat., 1063; 16 U. S. C., 776), as amended by Sections 201 to 213, inclusive, of the Act of August 26, 1935 (49 Stat., 838-847; 16 U. S. C., 791-825), and regulations issued by the Commission pursuant thereto.

43½. The consent of any tribe organized under the Act of June 18, 1934 (48 Stat., 984), is required by Section 10 (e) of the Federal Power Act of August 26, 1935 (49 Stat., 983; 16 U. S. C., 803), before a license can be issued covering water-power project on tribal lands.

Add a new section after Section 52 to be headed "Highways in Territory of Five Civilized Tribes"—

52½. The Acts cited below authorize section-line highways of the prescribed widths in the territory of the Five Civilized Tribes, Oklahoma, as follows:

Nation	Width (rods)	Act	Reference
Creek.....	3	Sec. 10, June 30, 1902.....	32 Stat., 502.
Cherokee.....	3	Sec. 37, July 11, 1902.....	32 Stat., 722.
Choctaw.....	2	Sec. 24, Apr. 26, 1909.....	34 Stat., 145.
Chickasaw.....			
Seminole.....			

In such cases it is only necessary for the State or county to file with the Secretary of the Interior a map, drawn on tracing cloth, with two blue print copies, showing the location of the road. Wider section-line highways and those off the line, regardless of width, will be handled through the medium of easement deeds executed by the allottees or their heirs and approved by the Secretary of the Interior. Deeds of minors should be executed by the legal guardian in each case, and have attached thereto copies of the guardian's appointment and of the order of the court specifically authorizing him to execute the deed subject to approval by the Secretary of the Interior. Upon receipt of the approved deed, the Superintendent should have attached thereto before delivery a copy of the Court's order confirming the sale, and send a copy of the order to the Commissioner of Indian Affairs.

Add a new section after Section 55 to be headed "Highways in Roadless and Wild Areas"—

55½. Whenever a public highway right of way is desired within any of the roadless or wild areas on Indian reservations established by the order of the Secretary of the Interior dated October 29, 1937, the application must contain a specific statement to this effect, with a full justification therefor; the accompanying map of definite location must clearly indicate the area involved; and the Superintendent's report must fully explain the necessity for the road, and whether or not he recommends approval of the application on the basis of the policy enunciated in the order cited. Where the proposed road will be on a reservation having such an area, but the

road is not to be located therein, the superintendent's report must contain a specific statement to this effect.

Change Section 67 to read—

67. Where a right of way is desired for any purpose not covered herein, the superintendent should submit full details to the Commissioner of Indian Affairs for instructions as to procedure.

Add a new section after Section 69, to read—

69½. As the holder of the legal title to allotted Indian lands held in trust, the United States must be made a party to all such condemnation suits and the action must be brought in the appropriate Federal District Court, the procedure, however, to follow the provisions of the State law on the subject, so far as applicable.

Change Section 79, to read—

79. At the time of making the appraisal, or upon its completion, the question of compensation and damages should be taken up with and thoroughly explained to, the individual Indians, and, if they are agreeable, their written acceptance of the awards made by the Superintendent, either by affixing their signatures to the schedule (Form 12) or by separate statements (Form 5-104b) should be procured. Should any Indian object to the amount and demand a greater payment, if such demand is considered reasonable by the Superintendent he should revise his appraisal accordingly; otherwise, the written statement of the Indian should be forwarded with the schedule (Form 12) and a full report of the Superintendent's views. Where tribal lands are involved, belonging to a tribe which is organized under the Act of June 18, 1934 (48 Stat., 984; 25 U. S. C., 476), all right-of-way applications must be presented to the tribal council or other authorized representative body; and, in the case of unorganized tribes, all railroad rights of way and others of more than ordinary importance, should likewise be thus submitted to the council or representative body of the tribe. A record of the proceedings should be kept and a duly authenticated copy attached to the schedule.

Change Section 83 (a), to read—

83 (a). In the case of allotted lands, is a sale thereof pending, either to the tribe or to an individual? If so, give full details, with name of purchaser, status of transaction, etc.

Change Section 84, to read—

84. If a prospective sale of allotted lands develops, or if any other adverse rights or interests accrue on either allotted or tribal lands after the papers have been forwarded, and before approval of the application, the Superintendent should at once make a special report of the facts to the Commissioner of Indian Affairs.

Change Section 91 to read—

The act of April 21, 1928, extends to the Pueblo Indians of New Mexico and their lands, under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, the provisions of the Statutes of the United States governing rights of way through Indian lands, as follows:

U. S. O.	Purpose	Act
Title 25: 311.....	Highways.....	Sec. 4, Mar. 3, 1901, 31 Stat. 1634.
312.....		
313.....		
314.....		
315.....	Railroads.....	Sec. { Mar. 2, 1899, 30 Stat. 690. Feb. 23, 1902, 32 Stat. 59. June 21, 1906, 34 Stat. 339. June 25, 1910, 33 Stat. 839.
316.....		
317.....		
318.....		
319.....	Telegraph and telephone lines.....	Sec. 3, Mar. 3, 1901, 31 Stat. 1633.
321.....	Oil and gas pipe lines.....	Mar. 11, 1904, 33 Stat. 65. Mar. 2, 1917, 39 Stat. 673.
Title 43: 635.....	Railroads.....	Sec. 2, Mar. 3, 1875, 18 Stat. 452.

"The within regulations, so far as applicable, are hereby adopted as those authorized by the Act of April 21, 1928 (45 Stat. 442; 25 U. S. C. 322)."

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 38-1446; Filed, May 23, 1938; 9:54 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1937 CROP OF FLORIDA SUGARCANE, PURSUANT TO THE SUGAR ACT OF 1937

Whereas Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(d) That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

and

Whereas the Secretary of Agriculture, on December 4, 1937, held a public hearing in Clewiston, Florida, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1937 crop of Florida sugarcane:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby determine, with respect to the requirements of Section 301 (d) of the Sugar Act of 1937, fair and reasonable prices for the 1937 crop of Florida sugarcane to be paid by processors, who as producers, apply for payments under the said Act, to be not less than the prices set forth in the Standard Florida Sugarcane Purchase Contract with cooperative participation supplement now used by the United States Sugar Corporation: *Provided, however*, That, when 10 cc. of the crusher juice of any sugarcane are titrated against a N/10 solution of NaOH, using phenolphthalein as an indicator, and it requires more than 2.25 cc. of N/10 NaOH to neutralize the acidity in the crusher juice, a deduction may be made in settlement, based upon decreased boiling house efficiency, at a rate not in excess of 3.775 per centum of the payment herein provided for for each .25 cc. of acidity above 2.25 cc. (intervening fractions computed to the nearest multiple of .05 cc.).

Done at Washington, D. C., this 20th day of May, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1439; Filed, May 20, 1938; 3:13 p. m.]

Bureau of Agricultural Economics.

MEMORANDUM No. 756

[ADMINISTRATION OF THE LAND CONSERVATION AND UTILIZATION PROGRAM AUTHORIZED BY THE BANKHEAD-JONES FARM TENANT ACT]

MAY 19, 1938.

By Memorandum No. 733, dated September 1, 1937, administration of the Land Conservation and Land Utilization Program authorized by Title III and related sections of the Bankhead-Jones Farm Tenant Act was entrusted to the Chief of the Bureau of Agricultural Economics, subject to

the supervision of the Secretary. In connection with the administration of that program the Chief or Acting Chief of the Bureau of Agricultural Economics, or any employee of the Department whom either of them may designate in writing, are hereby specifically authorized, on behalf of the United States in connection with projects approved by the Secretary, to perform the functions hereinafter outlined. The requirements of Department Regulations 1712 and 3312 which conflict with this authorization are hereby waived:

1. Exercise options to purchase, and execute easements, leases, licenses, and other forms of contracts for the acquisition of real property or any interest therein, subject to any reservations or exceptions which will not interfere with the use of the property for the purposes of the project, as approved.

2. Determine whether public buildings, within the meaning of section 355 of the Revised Statutes, will or will not be constructed upon individual tracts of land under contract of purchase.

3. Execute life leases to the grantors or occupants of lands acquired, provided their occupancy and use will not interfere with the purposes of the project.

4. Execute easements, leases, licenses, and other forms of contracts permitting the construction and maintenance of telephone lines, pipe lines, roads, irrigation and drainage ditches, etc., (but not those power lines licenses for which are required by law to be granted by the Federal Power Commission), across project areas when such construction will not materially interfere with the purposes of the project.

5. Execute leases, licenses, permits, agreements and other forms of contracts permitting the use of lands acquired, when consistent with the purposes of the project, for cropping, grazing, building occupancy, recreational and incidental purposes, provided they do not extend for more than ten years.

6. File in the name of the United States, in accordance with the law of the state involved, applications for water rights covering waters to be impounded, impeded, or diverted in their flow by construction work contemplated in connection with the development of a project.

7. Exercise all powers to revoke, terminate, or cancel contracts executed in accordance with the foregoing authority, which are exercisable either by the terms of the contracts themselves or by operation of law.

All forms for leases, licenses, easements, agreements, use permits, etc., shall be submitted to the Office of the Solicitor for approval.

There is hereby reserved to the Secretary, in connection with this program, all authority:

1. To sign correspondence or other documents definitely committing the Department regarding the disposition to be made of projects or important segments thereof.

2. To execute deeds or other documents involving the sale, exchange, or other disposition of the entire fee simple title to lands acquired.

3. To make dedications and grants of lands for public purposes.

4. To execute leases, cooperative and other agreements for the administration by federal, state or territorial agencies of lands acquired.

5. To execute leases, licenses, permits, agreements, and other forms of contracts, permitting the use of lands acquired when the rights granted extend for more than ten years, except as specifically indicated above.

6. To make rules and regulations necessary to prevent trespasses and otherwise regulate the use and occupancy of lands acquired, when the rules and regulations are to be enforced as provided in section 32 (f) of Title III of The Bankhead-Jones Farm Tenant Act.

7. To compromise claims and obligations arising under, and adjust and modify the terms of leases, contracts, and agreements entered into as circumstances may require.

8. To execute abstract contracts.

Memorandum No. 733, dated September 1, 1937, also directed the Land Utilization Program theretofore administered by the Farm Security Administration to be transferred to the Bureau of Agricultural Economics for administration as rapidly as might be feasible, and, pending the completion of such transfer, all existing delegations of authority in connection with that program were affirmed. Hereafter, pending and after the completion of this transfer, the Chief or Acting Chief of the Bureau of Agricultural Economics, as the personal representative of the Secretary of Agriculture, may modify and change such delegations of authority to the extent necessary to coordinate the administration of that program with the program initiated under Title III of The Bankhead-Jones Farm Tenant Act.

[SEAL]

H. A. WALLACE, *Secretary.*

[F. R. Doc. 38-1444; Filed, May 20, 1938; 12:37 p. m.]

Bureau of Biological Survey.

ORDER PERMITTING FISHING IN CERTAIN LAKES WITHIN THE WICHITA MOUNTAINS WILDLIFE REFUGE, OKLAHOMA

Under authority of regulation 2 of the regulations of the Secretary of Agriculture, effective December 2, 1936, for the administration of Wichita Mountains Wildlife Refuge, Oklahoma, it is hereby ordered that, in accordance with the provisions of said regulations, fish may be taken for noncommercial purposes each day between the hours of 5 a. m. and 8 p. m. during the period from May 29 to September 15, 1938, both dates inclusive, within the following described waters of the Wichita Mountains Wildlife Refuge, subject to the conditions and restrictions herein specified:

1. *Waters open to fishing.*—The following waters of the Refuge are hereby designated as areas open to fishing, and fishing will not be permitted in any other waters unless and until further ordered: Lake Quanah Parker, including the one-acre stilling pool below the Quanah Parker dam; Lake Osage; and Lake Burford.

2. *State fishing laws.*—Fishing in the aforesaid waters may be conducted in accordance with the applicable laws of the State of Oklahoma except that live minnows may not be used for bait and no person may have live minnows or any seine or net which may be used in capturing minnows in his possession within the boundaries of the Refuge, and no trot line may be used in said waters. Daily bag limits, size or length of fish, and all other provisions of State law or regulations must be complied with in connection with such fishing.

3. *Fishing permits.*—Each person who fishes in any of the aforesaid waters under the aforesaid conditions must be in possession of a valid fishing license issued to him in accordance with the provisions of the State law of Oklahoma, if such a license is required, which shall serve as a Federal permit for fishing in said waters. Said license must be carried on his person when exercising the privilege of fishing in said waters and must be exhibited upon request of any Federal or State officer authorized to enforce Federal or State fishing laws or regulations, or laws and regulations applicable to the Refuge.

The right to amend or revoke any or all provisions of this Order is hereby reserved by the Chief, Bureau of Biological Survey, and said Order is subject at all times to discretionary revocation by the Secretary of Agriculture.

[SEAL]

IRA M. GABRIELSON,
Chief, Bureau of Biological Survey.

[F. R. Doc. 38-1440; Filed, May 20, 1938; 3:13 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2354]

IN THE MATTER OF CENTRAL PATTERN & FOUNDRY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John L. Horner, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and brief filed herein in support of the complaint (no brief having been filed by respondent and no oral argument having been requested) and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Central Pattern & Foundry Company, its agents, representatives and employees, in connection with the offering for sale, sale and distribution of aluminum castings in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

Using the expression "only new ingot metals", or any other expression or device of similar import and meaning, to describe its aluminum castings, or the metal from which such castings are made, unless such castings are manufactured wholly from primary or virgin aluminum.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-1445; Filed, May 21, 1938; 10:03 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of May, A. D. 1938.

[File No. 50-5]

IN THE MATTER OF AMERICAN GAS AND POWER COMPANY
BIRMINGHAM GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An Application and Declaration pursuant to Sections 11 (g), 7, and 12 (c) of the Public Utility Holding Company Act of 1935 and the Rules of this Commission applicable thereto having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on June 9, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 4, 1938.

The matter concerned herewith is in regard to a Report by this Commission on a Plan of Recapitalization of Birmingham Gas Company, dated February 1, 1938, and Declaration with respect to (a) solicitations of consents and acceptances, (b) the issue of securities or the exercise of a privilege or right to alter the rights of holders of outstanding securities, and (c) the acquisition of securities to effectuate such Plan.

Birmingham Gas Company is reported in the application to have had the following securities outstanding as at April 30, 1938:

First Mortgage Gold Bonds, 5% Series due 1959-----	\$5,915,000.00
6% Notes due October 1, 1938 (publicly held)-----	600,000.00
6% Notes due October 1, 1938, endorsed by American and secured by 4,825 shares of capital stock of Commonwealth Distribution, Inc., owned by American (held by First National Bank of Birmingham and Birmingham Trust & Savings Company, referred to as "Birmingham Banks")-----	162,434.26
6% Notes due October 1, 1938 (held by Sloss-Sheffield Steel & Iron Company and Alabama By-Products Corporation, referred to as "Coke Oven Companies")-----	102,353.99
Non-interest bearing Note held by American (Parent) dated November 15, 1932; due October 1, 1935; extended to October 1, 1938; with further right to renew for successive periods of three years each until the following obligations have been fully paid:	405,000.00
(b) 4½% Notes due October 1, 1932, and any notes issued and delivered in exchange therefor or for any thereof and maturing October 1, 1935;	
(b) the indebtedness to the Birmingham Banks;	
(c) the indebtedness to the Coke Oven Companies.	
Matured Notes due in 1932 and 1935 (publicly held)-----	1,000.00
First Preferred Stock, \$6 Series (\$10 par value—\$100 liquidating value)-----	Shares 29,789.44
Common Stock (\$2 par value)-----	200,000

American Gas and Power Company is reported in said application to be indebted to Birmingham Gas Company as at April 30, 1938, in the sum of \$1,283,920.25 for principal and interest on its Certificate of Indebtedness.

The Plan includes the following:

1. No change in the First Mortgage 5% Gold Bonds of Birmingham due May 1, 1959.
2. The exchange of the publicly held 6% Notes of Birmingham on the basis of \$500 in cash and a new Six-Year 4½% Sinking Fund Note in the principal amount of \$500 for each \$1,000 principal amount of 6% Notes surrendered.
3. The exchange of the 6% Notes of Birmingham held by the Birmingham Banks on the basis of 50% in cash and the remainder in new Notes of Birmingham maturing ninety days after date with an option to Birmingham to renew for two successive ninety-day periods. The new Notes are not to be endorsed by American, although they are to be secured by the same collateral as the old Notes.
4. The voluntary cancellation by the Coke Oven Companies of Birmingham Notes held by them, or the extension of such Notes in whole or part, or other disposition thereof.
5. The exchange of the First Preferred Stock, \$6 Series, of Birmingham together with \$38 per share accrued and unpaid dividends thereon on the basis of one share of new \$3.50 Cumulative Prior Preferred Stock (par value, \$10; liquidating value, \$50) and two shares of Common Stock for each share of First Preferred Stock, \$6 Series, surrendered.
6. The cancellation of the \$405,000 Note of Birmingham now pledged as partial security for the outstanding Secured Debentures, 5% and 6% Series due August 1, 1953, of American.
7. The cancellation of the Certificate of Indebtedness of American held by Birmingham in the principal amount of

\$1,086,743.90 upon which interest in the amount of \$197,176.35 had accrued as at April 30, 1938.

8. The payment by American to Birmingham of the sum of \$550,000 in cash together with the delivery of 60,000 shares of Birmingham common stock and the \$405,000 non-interest bearing Note.

9. The consent of the holders of the Secured Debentures, 5% and 6% Series due August 1, 1953 of American to a modification of the Debenture Agreement securing the same so as to authorize the release from the lien thereof of 200,000 shares of the common stock of Birmingham, being all of its issued and outstanding common stock, and the \$405,000 Note of Birmingham upon surrender by American of \$400,000 principal amount of said Secured Debentures for cancellation.

10. American now owes Continental Bank and Trust Company of New York \$150,000 which is secured by the pledge of \$1,200,000 principal amount of American's Secured Debentures; \$400,000 of such Debentures are to be released from such pledge and made available for surrender by American for cancellation and retirement. On the basis of continued pledge of the remaining \$800,000 principal amount of Secured Debentures of American and the pledge by American of 140,000 shares of the common stock of Birmingham, Continental Bank and Trust Company of New York will increase said loan from \$150,000 to \$700,000, thereby making available to American \$550,000 for payment to Birmingham as provided in paragraph 8 above.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1449; Filed, May 23, 1938; 12:51 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D. 1938.

[File No. 31-116]

IN THE MATTER OF HOUSTON NATURAL GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 3 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on June 9, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 4, 1938.

The matter concerned herewith is in regard to the application of Houston Natural Gas Corporation for exemption as a holding company from the provisions of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1450; Filed, May 23, 1938; 12:51 p. m.]